

Remarks

Claims 1-3 remain pending in the above-identified application and are submitted for the Examiner's reconsideration.

In its decision dated July 25, 2003, the Board of Patent Appeals and Interferences entered a new ground of rejection based on the enablement requirement. In particular, the Board stated that "the enablement problem we see is that the specification does not appear to disclose the nature of the input to permit calculation of the transfer function and, thus, the claims are not enabled." Decision of 7/25/03 at page 4. According to the Board, one way to overcome this rejection is by "pointing out where the specification describes the nature of the input to enable calculating the transfer function." Decision at page 4.

In this rejection, the Board made an erroneous assumption that led it to the conclusion that the specification does not teach the nature of the input of the transmission function (referred to by the Board as a "transfer function"). In particular, the Board made this erroneous assumption when it stated that "each segment shown in appellants's Figure 2 is the output." Decision at page 4. Presumably, the Board used "output" in this quote to refer to the output of the transmission function. This erroneous assumption caused the Board to disregard the associated discussion of Figure 2 in the specification as a teaching of the transmission function input. Contrary to this assumption, however, the specification never describes the curve of Figure 2 as illustrating the output of the transmission function. Instead, the specification states that Figure 2 represents boundaries of individual signal segments obtained by splitting a core signal that has been filtered out of a measured collision signal. Specification at page 3, lines 12-13. Contrary to the Board's characterization, these signal segments, in the form of pulses, are used as inputs to the transmission function. Specification at page 3, lines 31-32. Indeed, since a pulse is one of the possible inputs that the Board surmised would overcome this rejection if described in the specification (see Decision at page 4), Applicants submit that the description of such pulses at page 3 of the specification is sufficient enough proof of the nature of the transmission function input to overcome the rejection. In order to emphasize this particular argument, Applicants have amended claim 1 to recite that the transmission function includes an input.

The present invention is new, non-obvious, and useful. Reconsideration and allowance of claims 1-3 are respectfully requested.

Respectfully submitted,

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